

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Penfold, Y. *et al.*

Application No: 09/557,955

Filed: April 25, 2000

For: *Assay Reagents and Devices*

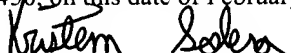
Examiner: Duffy, P. A.

Art Unit: 1643

Attorney Docket No.: **ISA-054.02**

**CERTIFICATE OF FIRST-CLASS MAILING**

I hereby certify that this "*Petition to Correct Official Filing Receipt*" is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this date of February 13, 2006.

  
Kristen Salera

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO CORRECT OFFICIAL FILING RECEIPT**

Applicants respectfully request a corrected Filing Receipt corresponding to the above-referenced application. On April 25, 2000, the above application was filed with the United States Patent and Trademark Office, including the attached Request for Filing (marked as Exhibit A), indicating that the application is a Divisional of Application No. 08/935,537. However, the Filing Receipt issued on June 23, 2000 (marked as Exhibit B) indicates incorrectly that the application is a Continuation and not a Divisional. Please correct the Filing Receipt as marked so that the continuity data is accurate, then issue a Corrected Filing Receipt.

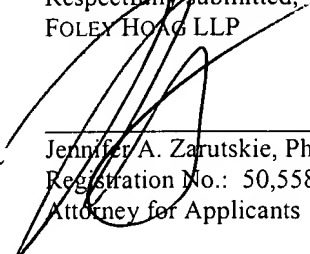
Applicants note that this information was correctly provided to the U.S. Patent and Trademark Office on April 25, 2000. Because the error on the original Filing Receipt was the Patent Office's, Applicants' Attorney does not believe that any fees are required for consideration of this Petition. Nevertheless, should any fees be required, Applicants' Attorney hereby requests them to be charged to Deposit Account No. **06-1448, Reference ISA-054.02.**

Should there be any questions concerning this Petition, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,  
FOLEY HOAG LLP

Date: February 13, 2006

Patent Group  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 832-1000  
(617) 832-7000 (fax)

  
Jennifer A. Zarutskie, Ph.D.  
Registration No.: 50,558  
Attorney for Applicants



## FILING RECEIPT



\*OC00000005198005\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/557,955	04/25/2000	1643	690	PM 266810	-	10	1

Pillsbury Madison & Sutro LLP  
Intellectual Property Group  
1100 New York Avenue NW  
Ninth Floor  
Washington, DC 20005-3918

Date Mailed: 06/23/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Yvonne E. Penfold; Bedford, UNITED KINGDOM;  
David A. Percival, Harwarden, UNITED KINGDOM;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CONT OF 08/935,537 09/23/1997  
DIV

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 96307078.4 09/27/1996

If Required, Foreign Filing License Granted 06/23/2000

## Title

Assay reagents and devices

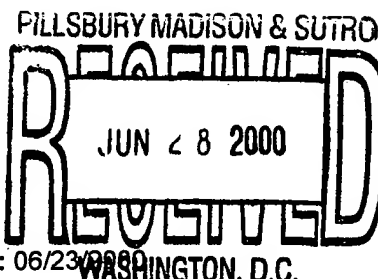
## Preliminary Class

436

Data entry by : YIN, NUNU

Team : OIPE

Date: 06/23/2000



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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

# EXHIBIT A

**(DO NOT USE FOR CIPs)**

PAT-108 7/99

4. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Europe of \_\_\_\_\_ (country)
- | <u>Application No.</u> | <u>Filing Date</u>    | <u>Application No.</u> | <u>Filing Date</u> |
|------------------------|-----------------------|------------------------|--------------------|
| (1) <u>96307078.4</u>  | <u>Sept. 27, 1996</u> | (4) _____              | _____              |
| (2) _____              | _____                 | (5) _____              | _____              |
| (3) _____              | _____                 | (6) _____              | _____              |
- a. ☐ \_\_\_\_\_ (No.) Certified copy/copies attached.
- b. ☒ Certified copy/copies previously filed on September 23, 1997 in \_\_\_\_\_ U.S. Application No. 08/935,537, filed on September 23, 1997.  
series code  $\uparrow$  serial no.
- c. ☐ Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_
4. (a) ☐ Domestic priority is claimed from PCT/ \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_.
- (b) ☐ Benefit is claimed of Provisional Application No. 06/\_\_\_\_\_, filed \_\_\_\_\_.
5. ☒ Prior application is assigned to Unilever Patent Holdings BV  
 by assignment recorded April 3, 1998 Reel 9085 Frame 0645.  
 (Date)
6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do **NOT** file old cover sheets.)
- (Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)
- Please return the recorded Assignment to the undersigned.
7. ☒ The power of attorney in the prior application is to Paul N. Kokulis (Reg. No. 13023) of Pillsbury Madison & Sutro LLP  
 (Name and Reg. No.)  
 whose current address is as in item 8 below.
- a. ☐ Recognize as associate attorney \_\_\_\_\_  
 (Name, Reg. No. and Address)
8. **Address all future communications to Intellectual Property Group of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W., Washington, D.C. 20005-3918**
9. ☒ **Amend the specification** by inserting before the first line the sentence:--This is a  
☐ continuation ☒ division of Application No. 08/935,537, filed September 23, 1997  
series code  $\uparrow$  serial no.
9. (a) ☐ **Amend the specification** by inserting before the first line: --This application claims the benefit of Provisional Application No. 60/\_\_\_\_\_, filed \_\_\_\_\_.
10. ☐ It has been recently determined that this new continuing application is entitled to small entity status. Hence:  
 (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27 were/are:  
☐ filed in above prior application (and hence applicable hereto)  
☐ attached.
11. Petition to extend the life of the above prior application to at least the date hereof  
 (one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).  
 (must be) ☐ was previously filed in that prior application (Check length of prior extension).  
 (X'd) ☒ is not necessary for copendency (Double check before X'ing this box).

12. ☒ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .
13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.
14. ☐ **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do not make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims).

**FILING FEE**

THE FOLLOWING FILING FEE IS BASED ON

->->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-

**NOTE:** If box 1A<sub>2</sub> is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

				Large/Small Entity		Fee Code
15. Basic Filing Fee . . . . . Design Application				\$310/\$155		106/26
16. Basic Filing Fee . . . . . Not Design Application				\$690/\$345	+690	101/201
17. Total Effective Claims	11	minus 20 =	0	x \$18/\$9	+0	103/203
18. Independent Claims	1	minus 3 =	0	x \$78/\$39	+0	102/202
19. If <u>any</u> proper multiple dependent claim (ignore improper) is present,				\$260/\$130	+0	104/204
20. Subtotal =				\$690		
21. If "petition" box 13 above is X'd, add petition fee. . . . . \$130					+0	122
21A. If box 6 above is X'd, add Assignment recording fee . . . . . \$ 40					+40	581
22. TOTAL FILING FEE ATTACHED =					\$730	

(carry forward to Item 31)

23. ☐ ATTACHED:
24. ☒ Preliminary Amendment attached (to be entered after assigning Appln. No.)
25. ☐ The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
					<u>Large/Small Entity</u> <u>File Code</u>
27.	Total Effective Claims	*11	minus ** 20 = 0	x \$18/\$9 = \$ 0	(103/203)
28.	Independent Claims	*1	minus *** 3 = 0	x \$78/\$39 = + 0	(102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application) .....\$260/\$130				+ 260 (104/204)
30.				ADDITIONAL FEE	\$ 260
31.				plus FEE from item 22 on page 3	+
32.				<b><u>TOTAL FEE ATTACHED</u></b>	<b><u>\$ 990</u></b>

33. \*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. \*\*If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

Our Deposit Account No. 03-3975

Our Order No.	60113	266810
	C#	M#

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

**Pillsbury Madison & Sutro LLP  
Intellectual Property Group**

1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Tel: (202) 861-3000  
PNK/MAH  
Atty./Sec.

By Atty:	<u>Paul N. Kokulis</u>	Reg. No.	<u>16773</u>
Sig:	_____	Fax:	(202) 822-0944
		Tel:	(202) 861-3503

**NOTE No. 1:** File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments

**NOTE No. 2:** Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.